

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

FRANKLIN BIRL WEEKLY,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Case No. 1:22-cv-00341-JLT-SAB

ORDER CONTINUING SCHEDULING  
CONFERENCE TO AUGUST 10, 2022 AT  
11:00 A.M.

Franklin Birl Weekly (“Plaintiff”) filed this action on March 24, 2022, against Defendants the United States of America, the City of Fresno, the County of Fresno, and the California Department of Public Health. (ECF No. 1.) On the same date, request for waiver of service were sent to Defendants, and summonses were issued to Defendants. (ECF Nos. 3, 4, 5, 6, 7, 8.) A scheduling conference is currently set for June 15, 2022. (ECF No. 9.) No filings have been made on the docket since March 24, 2022. Therefore, on May 31, 2022, the Court ordered Plaintiff to file a status report. (ECF No. 10.)

On June 6, 2022, Plaintiff filed a status report indicating that Defendants were just served on June 6, 2022, and proofs of service should be docketed shortly. (ECF No. 11.) Plaintiff does not proffer any reasons for the delay in service. Plaintiff is reminded that Rule 4(m) provides that: “If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice

1 against that defendant or order that service be made within a specified time.” Fed. R. Civ. P.  
2 4(m). The Court shall continue the scheduling conference to allow for the filing of responsive  
3 pleadings.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The scheduling conference set for June 15, 2022, is CONTINUED to **August 10,**  
6 **2022, at 11:00 a.m.** in Courtroom 9; and
- 7 2. The parties shall file a joint scheduling report **seven (7) days** prior to the  
8 scheduling conference.

9  
10 IT IS SO ORDERED.

11 Dated: **June 7, 2022**

  
UNITED STATES MAGISTRATE JUDGE